

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID SCHICK,

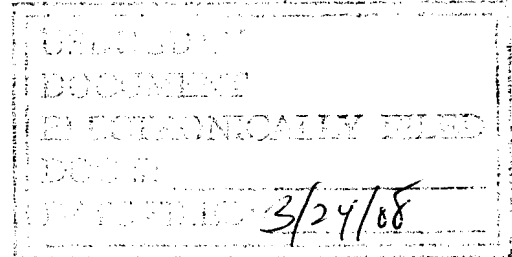
Plaintiff,

-against-

CRAIG APKER, as the Warden of FCI Otisville,  
TASHA R. WELCH, as the Case Manager at FCI  
Otisville, and the DIRECTOR, Federal Bureau of  
Prisons,

Defendants.  
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ORDER



**DEBRA FREEMAN, United States Magistrate Judge:**

The Court having held a telephone conference on March 11, 2008, with plaintiff, who is proceeding *pro se*, and counsel for defendants; and plaintiff having requested an opportunity to take oral depositions of defendant Tasha R. Welch and third-party witness Lori Rementer, so as to follow up on certain responses they gave to plaintiff's previously-served written deposition questions, specifically responses where the deponents indicated that they either did not understand the questions posed, or where they did not recall the particular matter into which plaintiff was inquiring; and defendants having opposed plaintiff's application for further questioning of these deponents; the Court having now reviewed the responses of the deponents to plaintiff's written questions; it is hereby ORDERED as follows:

1. Plaintiff's application to take oral depositions of the witnesses is denied. Plaintiff may, however, serve defense counsel with the following for each witness, no later than April 4, 2008:

a. for each question to which the witness responded that she did "not understand" the question posed, a rephrased question, clarifying plaintiff's original question; and

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Debra Freeman  
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b. for each question to which the witness responded that she did “not recall” the matter into which Plaintiff was inquiring, any documents that, in plaintiff’s view, might refresh the witness’s recollection as to that particular matter.

2. If plaintiff timely provides such material to defense counsel, then counsel shall produce supplemental responses from the witnesses no later than April 25, 2008. If the witnesses are unable to provide any further responses, they should so state.

3. Plaintiff’s time to serve and file opposition papers to defendants’ pending motion to dismiss the Complaint or, in the alternative, for summary judgment, is extended to May 9, 2008, and defendant’s time to serve and file reply papers, if any, is extended to May 23, 2008. All opposition and reply papers should be directed to Judge Stein.

Dated: New York, New York  
March 21, 2008

SO ORDERED

  
DEBORA FREEMAN  
United States Magistrate Judge

Copies To:

Hon. Sidney H. Stein, U.S.D.J.

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